



STATE OF NEW YORK

UNEMPLOYMENT INSURANCE APPEAL BOARD

PO Box 15126

Albany NY 12212-5126

DECISION OF THE BOARD

Mailed and Filed: JUNE 29, 2023

IN THE MATTER OF:

Appeal Board No. 628623

PRESENT: MICHAEL T. GREASON, MEMBER

The Department of Labor issued the initial determination denying the claimant approval for career and related training under Labor Law § 599 (1). The

claimant requested a hearing.

The Administrative Law Judge held a telephone conference hearing at which testimony was taken. There was an appearance by the claimant. By decision filed March 17, 2023 (), the Administrative Law Judge sustained the initial determination.

The Commissioner of Labor appealed the Judge's decision to the Appeal Board. The Board considered the arguments contained in the written statement submitted on behalf of the Commissioner of Labor.

Our review of the record reveals that the case should be remanded to hold a hearing. On appeal, the Commissioner of Labor has indicated that additional testimony and other evidence should be submitted regarding the employment opportunities for which the claimant is suited by training and experience, including employment projections. The Board has determined to provide the Commissioner of Labor an opportunity to submit such additional testimony and other evidence. Specifically, the claimant contends he does not have training or experience for employment as a public relations specialist. In this regard, the Commissioner of Labor shall be represented and should produce testimony and evidence regarding the employment opportunities for which the claimant is suited by training and experience. In addition, the claimant should

provide a copy of his Bachelor's degree transcript which shall be properly marked as an exhibit and entered into the record. Further, the claimant's hearing request and unemployment insurance claim form shall be marked as exhibits and properly entered into the record. The parties should be confronted with the contents of the documents and provided an opportunity to offer objections to the documents being accepted into evidence. The Judge shall take further relevant testimony and evidence as deemed appropriate.

Now, based on all of the foregoing, it is

ORDERED, that the decision of the Administrative Law Judge be, and the same hereby is, rescinded; and it is further

ORDERED, that the case shall be, and the same hereby is, remanded to the Hearing Section to hold a hearing on the issue, upon due notice to all parties and their representatives; and it is further

ORDERED, that the hearing shall be conducted so that there has been an opportunity for the above action to be taken, and, so that at the end of the hearing, all parties will have had a full and fair opportunity to be heard; and it is further

ORDERED, that an Administrative Law Judge shall render a new decision, on the issue, which shall be based on the entire record in this case, including the testimony and other evidence from the original and the remand hearings, and which shall contain appropriate findings of fact and conclusions of law.

MICHAEL T. GREASON, MEMBER